

February \_\_, 2017

Jay A. Steinberg  
Nevada Environmental Response Trust  
35 East Wacker Drive, Suite 1550  
Chicago, IL 60601

Re: **Tronox LLC ("TRX") Facility**  
**Nevada Environmental Response Trust ("Trust") Property**  
Finding and Order Requiring Implementation of Action Memorandum: Removal Action,  
Southern Nevada Water Authority Dewatering Project, Nevada Environmental Response  
Trust ("Trust"), Henderson, Nevada, NDEP Facility ID #H-000539

Dear Mr. Steinberg,

Enclosed please find a Finding and Order, and State Environmental Commission Form #3. This Order requires the Nevada Environmental Response Trust ("Trust") to implement the Action Memorandum Removal Action, Southern Nevada Water Authority ("SNWA") Dewatering Project to treat shallow groundwater impacted with perchlorate extracted during the SNWA construction of the Sunrise Mountain and Historic Lateral Weir project located in the area of Pabco Road and the Las Vegas Wash. The shallow groundwater in this area has been impacted by legacy perchlorate contamination originating from the Trust site.

Pursuant to NRS 445A.690, this Order is final and not subject to review unless, within thirty (30) days after the date that the Order is served, a request by written petition for a hearing is received by the State Environmental Commission, Executive Secretary, via mail to 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701, or via facsimile to (775) 687-5856. I have included the appropriate form for an appeal hearing (Form #3) for your convenience. Please provide me with a copy of any correspondence you have with the Commission.

If you have any questions regarding this matter, please call me at (702) 486-2850 Ext 235.

Sincerely,

James (JD) Dotchin  
Bureau of Industrial Site Cleanup  
NDEP-Las Vegas City Office

Enclosures (4)

IN THE MATTER OF )  
Nevada Environmental Response Trust )  
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Findings

Order

SEC Form #3

Action Memorandum

EC: w/Enclosures

Jeffrey Kinder, NDEP Deputy Administrator  
Rick Perdomo, Senior Deputy Attorney General, Attorney General's Office, Carson City  
Micheline Fairbank, Senior Deputy Attorney General, Attorney General's Office, Carson City  
Carlton Parker, NDEP BISC Las Vegas  
Weiquan Dong, NDEP BISC Las Vegas  
Adam Baas, Edgcomb Law Group  
Allan Delorme, Ramboll Environ  
Alison Fong, U.S. Environmental Protection Agency, Region 9  
Andrew Barnes, Geosyntec  
Andrew Steinberg, Nevada Environmental Response Trust  
Anna Springsteen, Neptune & Company Inc.  
Betty Kuo Brinton, MWDH2O  
Brenda Pohlmann, City of Henderson  
Brian Waggle, Hargis + Associates  
Carol Nagai, MWDH2O  
Chris Ritchie, Ramboll Environ  
Chuck Elmendorf, Stauffer Management Company, LLC  
Dave Share, Olin  
David Johnson, Central Arizona Water Conservation District  
Dave Johnson, LVVWD  
Derek Amidon, Tetra Tech  
Ebrahim Juma, Clean Water Team  
Ed Modiano, de maximis, inc.  
Eric Fordham, Geopentech  
Frank Johns, Tetra Tech  
Gary Carter, Endeavour  
George Crouse, Syngenta Crop Protection, Inc.  
Harry Van Den Berg, AECOM  
Jay Steinberg, Nevada Environmental Response Trust  
Jeff Gibson, Endeavour  
Jill Teraoka, MWDH2O  
Joanne Otani  
Joe Kelly, Montrose Chemical Corporation of CA  
Joe Leedy, Clean Water Team  
John Pekala, Ramboll Environ  
Katherine Baylor, U.S. Environmental Protection Agency, Region 9  
Kelly McIntosh, GEI Consultants  
Kevin Fisher, LV Valley Water District  
Kirk Stowers, Broadbent & Associates  
Kirsten Lockhart, Neptune & Company Inc.  
Kim Kuwabara, Ramboll Environ  
Kurt Fehling, The Fehling Group  
Kyle Gadley, Geosyntec  
Kyle Hansen, Tetra Tech  
Lee Farris, BRC

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Marcia Scully, Metropolitan Water District of Southern California  
Maria Lopez, Water District of Southern California  
Mark Paris, Landwell  
Michael J. Bogle, Womble Carlyle Sandridge & Rice, LLP  
Michael Long, Hargis + Associates  
Micheline Fairbank, AG Office  
Mickey Chaudhuri, Metropolitan Water District of Southern California  
Nicholas Pogoncheff, PES Environmental, Inc.  
Paul Black, Neptune and Company, Inc.  
Paul Hackenberry, Hackenberry Associates, LLC  
Patti Meeks, Neptune & Company Inc.  
Peggy Roefer, CRC  
Ranajit Sahu, BRC  
Richard Pfarrer, TIMET  
Rick Kellogg, BRC  
Scott Bryan, Central Arizona Project  
Steve Clough, Nevada Environmental Response Trust  
Steven Anderson, LVVWD  
Tanya O'Neill, Foley & Lardner LLP  
Todd Tietjen, SNWA

### FINDINGS

1. Data provided to the Nevada Division of Environmental Protection (“NDEP”) by the Southern Nevada Water Authority (“SNWA”) during the January 11, 2016 Weir Presentation and data presented in the October 30, 2015 Annual Remedial Performance Report for Chromium and Perchlorate Nevada Environmental Response Trust (“NERT”) Site Henderson, Nevada indicates that groundwater in the area of two future SNWA erosion control structures within the Las Vegas Wash contains significant quantities of perchlorate. These structures will be located in an area of the Las Vegas Wash downstream from where the main perchlorate groundwater plume from the NERT site intersects the Las Vegas Wash. This information is available in the site administrative record maintained at the NDEP offices in Las Vegas.
2. Construction of these two erosion control structures is currently scheduled by SNWA to commence in August 2017, and will require Las Vegas Wash stream diversion and construction dewatering. Based on available information, current estimates by the NDEP and SNWA indicate that the groundwater extracted during construction dewatering will contain 3 tons of perchlorate.
3. Direct discharge of this groundwater into the Las Vegas Wash without treatment would substantially contribute to the continued exceedance of the current Nevada provisional maximum contaminant level for perchlorate of 18 parts per billion within the Las Vegas Wash.
4. The Las Vegas Wash is tributary to Lake Mead, the primary drinking water source for the Las Vegas Valley, and the Colorado River, which is a significant source of drinking water for populations in Arizona and Southern California. Any increase in perchlorate loading to the Las Vegas Wash would threaten these drinking water sources.
5. On April 12, 2016, NDEP ordered NERT to complete an Engineering Evaluation/Cost Analysis (“EE/CA”) that evaluated the cost, feasibility, schedule and permitting requirements for transferring and treating groundwater extracted during the SNWA Weir construction dewatering project.
6. On August 30, 2016, NERT submitted an EE/CA to NDEP evaluating the cost, feasibility, schedule and permitting requirements for transferring and treating groundwater extracted during the SNWA Weir construction dewatering project. The EE/CA was released for the required 30 day public comment period. No public comments were received on the EE/CA.
7. On February \_\_, 2017, NDEP issued the enclosed Action Memorandum: Removal Action, Southern Nevada Water Authority (“SNWA”) Dewatering Project (“Action Memo”). The purpose of the Action Memo is to document the NDEP’s approval of the

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Removal Action to treat shallow groundwater impacted with perchlorate extracted during the SNWA construction of the Sunrise Mountain and Historic Lateral Weir project located in the area of Pabco Road and the Las Vegas Wash. The shallow groundwater in this area has been impacted by legacy perchlorate contamination originating from the Trust site. In the Action Memo, NDEP selected the use of strong base anion (“SBA”) ion exchange treatment for perchlorate in the impacted groundwater.

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### **ORDER**

This Order is issued under the authority vested in the Director of the Department of Conservation and Natural Resources ("Department") by Nevada Revised Statutes ("NRS") 445A.445(1) and 445A.450, delegated to the Division of Environmental Protection ("Division") pursuant to NRS 445A.450(10), and in accordance with NRS 445A.675, and 445A.690. Under this authority, the NDEP has determined that it is necessary and appropriate to require NERT to implement the Action Memorandum: Removal Action, Southern Nevada Water Authority ("SNWA") Dewatering Project ("Action Memo") to prevent further exceedances of concentrations of perchlorate that are considered protective of Las Vegas Wash water quality.

#### **IT IS HEREBY ORDERED:**

The Nevada Environmental Response Trust ("NERT") shall complete the following acts at/or with respect to the NERT Facility located within the Black Mountain Industrial ("BMI") Complex, 560 West Lake Mead Parkway in Henderson, Nevada (hereinafter "the Site") to implement the Action Memo to mitigate and abate substantial hazards to public health pursuant to NAC 445A.22691 and NAC 445A.22695 and consistent with the National Contingency Plan ("NCP") by the dates specified:

1. Within ten (10) days of the date of this Order: NERT will submit to the Division a written reply which states NERT's intention to comply with the Order. "Days" as used in this Order shall mean calendar days, excluding state and federal holidays.
2. NERT will provide the NDEP and the USEPA with a monthly report providing an update on NERT's progress to meet all requirements within this Order.
3. NERT will complete the construction of the treatment system and have the treatment system ready to treat the groundwater extracted by SNWA, as described in the Action Memo, on or before July 31, 2017.